

CITY COMMISSION MINUTES

February 19, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, February 19, 2008 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Engineer Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Items 3l and 3t were removed from the Consent Agenda for separate action. Items 3c, 3d and 3e were removed from the Consent Agenda and added to Unfinished Business. Item 3w was removed from the Consent Agenda and added to New Business.

Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Consent Agenda as amended to include the attendance of City Attorney, Catherine Logan. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

a. Approval of the **February 5, 2008**, City Commission meeting minutes.

b. Monthly Reports:

1. Water Department
2. Rolling Meadows Golf Course
3. Codes Department
4. Fire Department/EMS
5. Personnel
6. Police Department
7. Recreation

c. The consideration and approval of **S-2993** approving the Transportation Revolving Loan Fund for \$6 million dollars for the fiscal years 2007, 2008 and 2009. This Loan Fund will cover K18 & Karns Drive (west of new middle school); Rucker Road – Spring Valley Road to Olivia Farms; Rucker Road & US77 Intersection; Ash Street & US 77 Intersection; 6th & Jackson; 6th & Webster; Chestnut Street from RR tracks to East Street and Chestnut Street and East Street Intersection. (Final Reading) **(This item (3c) is being pulled from the Consent agenda and moved to Unfinished Business (9d) due to first reading vote of February 5, 2008 of City Commissioners, three to two.)**

d. The consideration and approval of **S-2999** for the Olivia Farms 2nd Plan Final (Replat) Plat Addition. The MPC voted January 10, 2008, unanimously in acceptance. (Final Reading) **(This item (3d) is being pulled from the Consent agenda and moved to Unfinished Business (9b) due to first reading vote on February 5, 2008 of City Commissioners, four to one.)**

- e. The consideration and approval of **S-2996** increasing the size of the Taxable Industrial Revenue Bonds, Series 2008, for the Rimrock Project from \$1,500,000.00 to \$2,000,000.00. (Final Reading) **(This item (3e) is being pulled from the Consent agenda and moved to Unfinished Business (9c) due to first reading vote on February 5, 2008 of City Commissioners, four to one.)**
- f. The consideration of **Appropriation Ordinances** for September 2007, through February 1, 2008, in the following amounts:
 - a. September 1, 2007, through September 30, 2007, for \$5,704,478.14
 - b. October 1, 2007, through October 31, 2007, for \$7,941,066.10
 - c. November 1, 2007, through November 30, 2007, for \$2,982,698.03
 - d. December 1, 2007, through December 31, 2007, for \$2,095,756.76
 - e. January 1, 2008, through January 31, 2008, for \$3,284,515.07
 - f. February 1, 2008, for \$692,478.86
 - g. February 2, 2008, through February 8, 2008, for \$454,256.11
 - h. February 9, 2008, through February 14, 2008, for \$967,456.91
- g. The consideration and approval of **Pay Request #6** by Kaw Valley Engineering for services completed through January 31, 2008, for Kaw Valley Industrial Park Design Services, in the amount of \$23,680.00.
- h. The consideration and approval of **Pay Request #3** by Kaw Valley Engineering for construction management services completed through February 28, 2007, for Turkey Hollow, in the amount of \$12,966.80.
- i. The consideration and approval of **Pay Request** to HWS Consulting for required FAA Environmental Assessment, in the amount of \$209.49. The cost of the study is reimbursed by FAA at a rate of 95% of the total acceptable charges.
- j. The consideration and approval of **Pay Request** to HWS Consulting for services related to the Taxi Lanes Rehabilitation Project at Freeman Field Airport, in the amount of \$54,878.25. This project is part of the airport's 5-year plan approved by FAA for grant funding. FAA reimburses at a rate of 95% of total acceptable charges.
- k. The consideration and approval of **Pay Request #2** by S&W Services for the 3rd and 4th weeks tree debris removal, in the amount of \$58,847.43. (Hauling, \$31,189.93; removal, \$27,637.50; total tree removal (1 @ \$20.00), \$20.00)
- l. The consideration and approval of **Pay Request #2** by Gene Fritzel Construction, for services completed through January 28, 2008, at Rucker Road-Church to Olivia Farms, in the amount of \$446,040.54. (Project is 82.9% complete.) **(REMOVED FOR SEPARATE ACTION.)**
- m. The consideration and approval of **Pay Request #2** by J. Warren Construction for services completed through February 7, 2008 on the US77/Ash Street Traffic Signal, in the amount of \$98,226.41. (Project is 99% complete)
- n. The consideration and approval of **Pay Request #5** by Smoky Hill Construction for services completed through January 19, 2008, for the interceptor sewer to serve Tom Neal Industrial Park, in the amount of \$101,737.80. (Project is 95.9% complete.)

- o. The consideration and approval of **Pay Request #8** by Burns & McDonnell for professional services completed through January 31, 2008, on the well field improvements including WF Piping Well #19, in the amount of \$15,700.00. (Project is now 80% complete.)
- p. The consideration and approval of **Pay Request #6** by BG Consultants for services completed through January 31, 2008, for Rucker Road – US77 to Whitney, in the amount of \$58,593.98.
- q. The consideration and approval of **Pay Request #4** by BG Consultants for professional services completed through January 31, 2008, for KDOT ditch drainage with patch, in the amount of \$16,858.73. (KDOT will reimburse \$12,644.04.)
- r. The consideration and approval of **Pay Request #2** by Big D Development, L.C., for services completed through February 12, 2008, for Sutter Highlands, in the amount of \$142,625.66. This project is 100% complete. (\$2,045.00 was removed for Spring Valley Road entrance.) **(REMOVED FROM AGENDA PER DEVELOPER.)**
- s. The consideration and approval of **Pay Request #2** by Big D Development, L.C., for services completed through February 12, 2008, for Sutter Woods in the amount of \$239,632.70. Project is 100% complete. (\$1,769.34 was removed for Spring Valley Road entrances) **(REMOVED FROM AGENDA PER DEVELOPER.)**
- t. The consideration and approval of **Pay Request #2** by Fort Development, L.C., for services through November 11, 2007, in the total amount of \$346,550.17, for Olivia Farms Subdivision. (\$1,170.00 for engineering services; \$16,616.00 for inspection/testing; interest of \$150,524.06, and the remainder amount for incorrect calculation of retainage from the previous pay request.) **(REMOVED FOR SEPARATE ACTION.)**
- u. The consideration and approval of the **Renewal of 25-year Lease** with Union Pacific Railroad for continued use of the Railroad's property covering land on the east side of Grant Avenue by the Republican River between the road and the railroad tracks. Renewal of the lease is a one-time payment of \$1,300.00, which averages \$52.00 a year for the 25 year lease.
- v. The consideration and approval of **Emergency Shelter Grant Application** from The Kansas Housing Resources Corporation for the 2008 Kansas Emergency Shelter Grant, in fund amount of \$27,000.00. Funds to support rehabilitation (\$1,500.00), operations (\$25,000.00) and essential services (\$500.00).
- w. The consideration and approval of **KS Department of Agriculture Permit No. SGE-0074** for construction of a 135 foot boat access ramp on the Republican and Kansas Rivers off of Grant Avenue for public access for recreational boaters. Funds for the project will be through donations and funds available through the State. **(This item (3w) has been pulled from the consent agenda and moved to New Business item 10m.)**

ITEMS FOR SEPARATE ACTION:

- l. The consideration and approval of **Pay Request #2** by Gene Fritzel Construction, for services completed through January 28, 2008, at Rucker Road-Church to Olivia Farms, in the amount of \$446,040.54. (Project is 82.9% complete.) This item was pulled for separate

action at the request of Commissioner Taylor. Commissioner Taylor asked why this payment was being requested when the project was only at 82.9% complete. City Engineer, Christina Cook, explained that this project was contracted through the City and is paid on a monthly schedule. Commissioner Talley moved, seconded by Commissioner Wunder to approve Pay Request #2 by Gene Fritzel Construction for services completed through January 28, 2008 at Rucker Road-Church to Olivia Farms in the amount of \$446,040.54. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

- t. The consideration and approval of **Pay Request #2** by Fort Development, L.C., for services through November 11, 2007, in the total amount of \$346,550.17, for Olivia Farms Subdivision. (\$1,170.00 for engineering services; \$16,616.00 for inspection/testing; interest of \$150,524.06, and the remainder amount for incorrect calculation of retainage from the previous pay request.) This item was pulled for separate action at the request of Commissioner Taylor. Commissioner Taylor asked why the calculation was incorrect. City Engineer, Christina Cook, explained that she has calculated the cost on the entire amount of the project and it should have been calculated on constructions items. The City has not signed off on the project due to electrical problems with the lift station. Steve Hoambrecker with Veolia Water has been working with DS&O to address the problem. BG Consultants are serving as the inspectors for this project. Commissioner Heldstab moved, seconded by Commissioner Talley to approve Pay Request #2 by Fort Development, L.C. for services through November 11, 2007 in the total amount of \$346,550.17 for Olivia Farms Subdivision. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

CELEBRATIONS

The Celebration for February focused on the Fire Department. Chief Ryan reviewed the personnel make up of the Fire Department, the 2007 accomplishments which included a structure save rate of 91.36%, and the goals for 2008. The goals for 2008 included certifying one personnel as an EMT-I and two personnel will take the certification test for Paramedic certification in January 2009, and establish a water rescue team to help address the ponds that are now located in the City.

UNFINISHED BUSINESS

- a. The consideration and approval of **Change Order #1** to various City storm sewer projects for the resident at 619 Skyline Drive, for her request to have her retaining wall/drainage ditch be added to the various storm sewer projects and/or create a benefit district to 619 Skyline Drive. Commissioner Talley moved, seconded by Commissioner Taylor to disapprove Change Order #1 to various City storm sewer projects for the resident at 619 Skyline Drive for her request o have her retaining wall/drainage ditch be added to the various storm water projects and/or create a benefit district to 619 Skyline Drive. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **S-2999** for the Olivia Farms 2nd Plan Final (Replat) Plat Addition. The MPC voted January 10, 2008, unanimously in acceptance. (Final Reading) Commissioner Heldstab moved, seconded by Commissioner Wunder to approve S-2999 for the Olivia Farms 2nd Plan Final (Replat) Plat Addition. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

- c. The consideration and approval of **S-2996** increasing the size of the Taxable Industrial Revenue Bonds, Series 2008, for the Rimrock Project from \$1,500,000.00 to \$2,000,000.00. (Final Reading) Commissioner Wunder moved, seconded by Commissioner Taylor to approve S-2996 increasing the size of the Taxable Industrial Revenue Bonds, Series 2008 for the Rimrock Project from \$1,500,000.00 to \$2,000,000.00 (Final Reading). Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to zero with one abstention.
- d. The consideration and approval of **S-2993** approving the Transportation Revolving Loan Fund for \$6 million dollars for the fiscal years 2007, 2008 and 2009. This Loan Fund will cover K18 & Karns Drive (west of new middle school); Rucker Road – Spring Valley Road to Olivia Farms; Rucker Road & US-77 Intersection; Ash Street & US-77 Intersection; 6th & Jackson; 6th & Webster; Chestnut Street from RR tracks to East Street and Chestnut Street and East Street Intersection. (Final Reading) City Engineer, Christina Cook, informed the Commissioners that the Transportation Revolving Loan Fund for \$6 million dollars involves the following costs:
- K-18 & Karns Drive (at west side of new middle school) – \$342,162
 - Rucker Road - Spring Valley Road to Olivia Farms – \$937,676
 - Rucker Road & US-77 Intersection (US) 77 – \$1,023,388
 - Ash Street & US-77 Intersection – \$270,500
 - 6th and Jackson – \$173,543
 - 6th and Webster – \$131,320
 - Chestnut Street - from RR tracks to East Street – \$715,203
 - Chestnut Street and East Street Intersection – \$1,361,285
- Commissioner Wunder moved, seconded by Commissioner Heldstab to approve S-2993 for the Transportation Revolving Loan Fund for \$6 million dollars for the fiscal years 2007, 2008 and 2009. This Loan Fund will cover K18 & Karns Drive (west of new middle school); Rucker Road – Spring Valley Road to Olivia Farms; Rucker Road & US-77 Intersection; Ash Street & US-77 Intersection; 6th & Jackson; 6th & Webster; Chestnut Street from RR tracks to East Street and Chestnut Street and East Street Intersection. (Final Reading). Ayes: Heldstab, Rhodes, Wunder. Nays: Talley, Taylor. Motion carried three to two.

NEW BUSINESS

- a. The consideration and approval of **Change Order #2** by J&K Contracting, LC for Ehler's Hilltop/Doc Hargreaves Pavement Patching Project, due to an additional 101.07 square yards of 4 inch concrete sidewalk, additional 155.31 square yards of 6 inch concrete pavement, additional 473.69 cubic yards of excavation, 473.79 cubic yards of flowable fill, 25.56 cubic yards of pavement removal and additional pavement failures, in the amount of \$134,257.50. Commissioner Wunder moved, seconded by Commissioner Talley to approve Change Order #2 by J&K Contracting, LC for Ehler's Hilltop/Doc Hargreaves Pavement Patching Project due to an additional 101.07 square yards of 4 inch concrete sidewalk, additional 155.31 square yards of 6 inch concrete pavement, additional 473.69 cubic yards of excavation, 473.79 cubic yards of flowable fill, 25.56 cubic yards of pavement removal and additional pavement failures in the amount of \$134,257.50. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **Neighborhood Revitalization Plan Application** for Ron & Rebecca Bramlage to rehab commercial unit at 1010 West Sixth Street, between Goodwill & Baskin Robbins at an approximate cost of \$222, 000.00. The project qualifies for 95% tax rebate for years 1 and 2, 85% tax rebate for years 3 and 4, and 75% tax rebate

for year 5. (EDC unanimously voted in favor on February 14, 2008.) The Commission was informed that this will allow for an additional 25 jobs and the SRS will have room to expand in the future. Commissioner Talley moved, seconded by Commissioner Wunder to approve the Neighborhood Revitalization Plan Application for Ron and Rebecca Bramlage to rehab commercial unit at 1010 West Sixth Street, between Goodwill and Baskin Robbins at an approximate cost of \$222,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- c. The consideration and approval of participation and support of the Warriors Internship Network. **(TABLED)**
- d. The consideration and approval of **S-3000** to change street name from Deer Trail to McCullough Circle, due to numbering and the E911 system to alleviate undue confusion with Circle Street. (First Reading) Commissioner Talley moved, seconded by Commissioner Taylor to approve S-3000 to change street name from Deer Trail to McCullough Circle due to numbering and the E911 system to alleviate undue confusion with Circle Street (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval of **R-2442** authorizing the sale and conveyance of property by the City of Junction City to Junction City Apartments, LLC and release of land use restriction agreement for Washington Court Equities, L.P. Commissioner Heldstab moved, seconded by Commissioner Talley to approve R-2442 authorizing the sale and conveyance of property by the City of Junction City to Junction City Apartments, LLC and release of land use restriction agreement for Washington Court Equities, L.P. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration and approval of **Right-of-Way and Construction City/State Agreement No.85-07** for the intersection of K-18 and Karns Drive, for reimbursement by State of 34% of total actual costs of preliminary engineering, utilities, right-of-way acquisition, construction and 100% of total actual costs of construction contingency items, not to exceed 1,000,000.00. The City is responsible for one-third of right-of-way, utilities and construction. City Engineer, Christina Cook, informed the Commission what entities are responsible for the costs of this project:

Karns

KDOT - 100% Construction

USD #475 - 100% Engineering, Utilities, ROW, Construction Inspection

K-18

KDOT - 33% Construction, Engineering, Utilities, ROW, Construction Inspection

USD #475 - 33% Construction, Engineering, Utilities, ROW, Construction Inspection

City - 33% Construction, Engineering, Utilities, ROW, Construction Inspection

K-18 and Spring Valley Road

KDOT - 67% Construction, ROW

City - 33% Construction, ROW

100% Engineering, Utilities, Construction Inspection

Commissioner Talley moved, seconded by Commissioner Wunder to approve the Right-of-Way and Construction City/State Agreement No.85-07 for the intersection of K-18 and Karns Drive, for reimbursement by State of 34% of total actual costs of preliminary engineering, utilities, right-of-way acquisition, construction and 100% of total actual costs

of construction contingency items, not to exceed 1,000,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- g. The consideration and approval of **Right-of-Way and Construction City/State Agreement No.116-07** for the intersection of K-18 and Spring Valley Road, for reimbursement by State of 67% of total actual costs of right-of-way acquisition and construction, not to exceed \$931,000.00. The City pays 100% of design and inspection, one-third of right-of-way and construction. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the Right-of-Way and Construction City/State Agreement No.116-07 for the intersection of K-18 and Spring Valley Road, for reimbursement by State of 67% of total actual costs of right-of-way acquisition and construction not to exceed \$931,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **Tree Debris Trimming, Removal and Disposal Contract** with Custom Tree Care, in the amount of \$58,675.00, for removal of debris at Rolling Meadows Golf Course due to the December ice-storm. Clean up costs are available through FEMA for this at 80% Federal, 10% state, leaving 10% for local share. Steve Hoambrecker, Veolia Water, informed the Commission that Custom Tree Care was the lowest bidder and also met all of the requirements for FEMA. Commissioner Heldstab moved, seconded by Commissioner Talley to approve the Tree Debris Trimming, Removal and Disposal Contract with Custom Tree Care in the amount of \$58,675.00 for removal of debris at Rolling Meadows Golf Course due to the December ice storm. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration and approval to move location of the **Summer Fun Club Program** from 5th Street Park to 12th Street Community Center. Recreation Director, Jason Haslouer, informed the Commission that due to Health Department regulations, the Summer Fun Club must relocate from 5th Street Park to the 12th Street Community Center. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the relocation of the Summer Fun Club Program from 5th Street Park to the 12th Street Community Center. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- j. The consideration and approval of **Fee Increase** for Summer Fun Club Program from \$65.00 per child to \$75.00 per child, due to multiple increases in costs for program. Recreation Director, Jason Haslouer, informed the Commission that due to increased transportation costs and the cost of providing lunch for the participants, he requests a fee increase for the Summer Fun Program from \$65.00 to \$75.00 per child. This is a weekly fee. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the fee increase for the Summer Fun Club Program from \$65.00 per child to \$75.00 per child. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- k. The consideration and approval of **Change Order #3** by J&K Contracting for 15 foot wide, 6 inch deep temporary fire access road along Spring Valley Road. Temporary base rock road can be installed requiring approximately 350 square yards of base rock at a bid price of \$5.25 per square yard totaling \$1,837.50. Intention is that base rock can be recycled for use in final rock replacement; however, bad weather and unauthorized traffic could render the base rock unusable. (Project is currently shut down to avoid damage to sub-grade.) Commissioner Heldstab moved, seconded by Commissioner Wunder to approve Change Order #3 by J&K Contracting for 15 foot wide, 6 inch deep temporary fire access road along Spring Valley Road with the installation of a pad lock to

be provided by the Fire Department. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: Talley. Motion carried four to one.

- I. The consideration and approval of requested **"Directional Sign"** for the location of the Junction City Middle School to be installed on the corner of Spring Valley Road and Wildcat Lane in the right-of-way. City Engineer, Christina Cook, informed the Commission that USD 475 has requested the directional signs and will pay for both of the signs. Commissioner Talley moved, seconded by Commissioner Wunder to approve the requested "Directional Sign" for the location of the Junction City Middle School to be installed on the corner of Spring Valley Road and Wildcat Lane in the right-of-way. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- m. The consideration and approval of **KS Department of Agriculture Permit No. SGE-0074** for construction of a 135 foot boat access ramp on the Republican and Kansas Rivers off of Grant Avenue for public access for recreational boaters. Funds for the project will be through donations and funds available through the State. City Engineer, Christina Cook, informed the Commission that once the ramp is built, it must be closed from December to February of each year due to this being an area where Bald Eagles roost during those months. Also, the ramp can not be built between May 1st and June 30th due to a certain type of fish that is found in the rivers at that time frame. Ms. Cook stated that she will bring a Memorandum of Understanding for the Commission to take action on at a later date. The area will be maintained by the City's Parks Department. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve KS Department of Agriculture Permit No. SGE-0074 for construction of a 135 foot boat access ramp on the Republican and Kansas Rivers off of Grant Avenue for public access for recreational boaters. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

The Commission requests that comments be limited to a maximum of five minutes for each person.

Chris Jasinski – 7218 Rockwood Drive, Milford, KS. Ms. Jasinski stated that she is still waiting on answers to her February 7th questions. She commented that the Vice-Mayor's comments are what have been transpiring over a number of years. Not all of the negative comments have been true. Citizens want more restaurants and recreational activities. Ms. Jasinski stated she feels more projects should be brought to a citizen vote. Open communication is lacking with the Commission and that the Commission seems to be on a mission of its own. She stated that the tax payers want the spending to stop. Ms. Jasinski commented that the Bond Council only advises. The City needs to pass an ordinance to not pay contractors who have not paid their taxes. Everyone needs to come up with solutions.

David Alexander – 1204 McFarland Road, Junction City, KS. Mr. Alexander presented the Mayor with 134 additional "Stop the Spending" letters from tax payers. He stated that he still has unanswered questions and has a few more questions since the Mayor's City Address, mostly regarding the Bond Council information.

Scott Johnson – PO Box 222, Junction City, KS. Mr. Johnson commented on the cement work that was addressed earlier in the meeting and stated that partial completion happens because no one knows what the specials are. He stated that a City worker stopped by the country club one evening to clean up the tree limbs from the ice storm.

Mr. Johnson told the person no, that they would take care of their limbs themselves. Mr. Johnson stated that his family has always taken care of their own business and not relied on any hand-outs from the government. Mr. Johnson stated that the Junction City Country Club is closing at the end of February and that Alco is also closing. Mr. Johnson informed the Commission that the country club's annual taxes are approximately \$38,000. His family has been building structures all over the world. The Commission doesn't want to take advice from those who know more than they do. Problems begin when out of town developers come to town. He stated the he can pay a whole lot less for similar property if it was in other areas (property taxes). The developers who have been in the community 20-30 years with experience in building are being ignored by the Commission. New homes are full of black mold. This is what happens when out of town developers come to town. The Commission needs to start listening to people who know what they're doing. Mr. Johnson stated that he still hasn't received answers on his questions regarding specials and he has given up trying to get them.

Commissioner Wunder stated that Mr. Johnson has refused to participate in several meetings that Commissioner Wunder has tried to schedule. Commissioner Wunder stated that he has tried to assist him with his concerns and to discuss them; however, Mr. Johnson has refused.

Commissioner Taylor testified to Mr. Johnson's comments regarding his family taking care of themselves. Commissioner Taylor had several conversations with Mr. Johnson's father regarding the various programs that the country club would have been eligible for and Mr. Johnson's father always stated that they would take care of themselves.

Brennan Fagan – 400 Casa Benita, Lawrence, KS. Mr. Fagan stated that he was in attendance due to comments being made in an open forum that aren't true concerning Sutter Woods and Sutter Highlands and the specials amounts. Mr. Fagan looked at various properties in the community and selected ten randomly. He tried to get approximately 534 lots to assess the specials. He found that the specials averaged just a little more than \$22,000. Their lots are at \$25,000 for specials without any participation from the City of Junction City. Mr. Fagan received correspondence from tax payers with accusations of Big D Development overcharging for the specials. Mr. Fagan issued an invitation to person who wanted to meet with him. Mr. Fagan gave his cell number. He wants to compare apples to apples and wants a chance to defend himself and his company. Mr. Fagan, when asked, stated he was agreeable to attending a town meeting to present information regarding Big D Development.

David Alexander – 1204 McFarland Road, Junction City, KS. Mr. Alexander stated that the letter about special assessments that Mr. Fagan received was issued by City Manager, Rod Barnes.

COMMISSIONER COMMENTS

Commissioner Heldstab wished General Dick Seitz a Happy 90th Birthday (February 18th). He thanked Dave Hurley for his time with the City and wished him luck in his new job endeavors.

Commissioner Taylor stated that he has received several complaints:

- Trucks have been reported speeding on Spring Valley Road. The concern is that students are walking to the new middle and elementary schools and an

accident is going to occur. Commissioner Taylor asked Chief Story to look into this complaint.

- Black-marked fire hydrants have been marked two to three years and haven't been replaced. The Fire Department and Veolia Water will look into this complaint.
- The infrastructure in the older sections of town with regards to pot holes and the condition of the streets. Commissioner Taylor wanted to know if there was a plan in place to replace the streets and if there is, publish the schedule so that the citizens are informed of the replacement process.

Commissioner Taylor wants to see if it is possible to move the Public Relation Director's salary out of the Water and Sewer Fund and into another fund. Commissioner Taylor stated that he heard many compliments on Mr. Werts' performance at Founder's Day.

Commissioner Wunder thanked Dave Hurley for his service to the City.

Mayor Rhodes also thanked Mr. Hurley.

STAFF COMMENTS

City Manager, Rod Barnes, thanked everyone involved in the successful Founder's Day. This event kicked off the Sesquicentennial celebration. Mr. Barnes thanked Dave Hurley for his work as the Codes Administrator and all of his years with the City. Mr. Barnes reminded the Commission that the Arts Council Masquerade Ball will be February 23, 2008.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Wunder to adjourn at 8:42 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 4th DAY OF MARCH, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR FEBRUARY 19, 2008.

Tricia Gowen, City Clerk

Mike Rhodes, Mayor